

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 16, 1999

DIVISION TWO

B117011 People (Not for Publication)
v.
Morales

The Court:

The judgment is affirmed.

Boren, P.J., Zebrowski, J., Mallano, J. (Assigned)

DIVISION THREE

B092167 Oganes Saakyan, et al. (Not for Publication)
v.
Modern Auto, Inc.
David Saldana, dba D & M Alignment

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (Continued)

B125384 Los Angeles County, D.C.S. (Not for Publication)

v.

Byron L.

In re Adrian L., a minor

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.

Petersen, J. (Assigned)

B124877 Los Angeles County, D.C.S. (Not for Publication)

v.

Nicole B.

In re Eric M., a minor

The judgment is affirmed.

Aldrich, J.

We concur: Kitching, Acting P.J.

Petersen, J. (Assigned)

B115119 Metro Consultants

B115107 v.

Metropolitan Transportation Authority, et al.

JMA, a Joint Venture

The Court:

The judgment is reversed and remanded to the superior court with directions to that court to dismiss that portion of the judgment which directs or orders the MTA to take mandatory or affirmative action to rescind and re-award the construction management services contract. Each party to bear its own respective costs on appeal.

Croskey, Acting P.J., Kitching, J., Aldrich, J.

April 16, 1999-Continued

DIVISION THREE (Continued)

B122350 People (Not for Publication)
B123532 v.
Rodriguez, et al.

The judgments are affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

104245-99 THE HONORABLE STEPHEN D. PETERSEN, Judge of the Los Angeles Superior Court, Los Angeles County, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division THREE, as a Justice thereof, on the following dates:

April 14, 1999

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: March 16, 1999

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

B112962 People
v.
Oliver

Filed order vacating submission order of April 12, 1999. Further consideration of this case is deferred pending the final resolution by the Supreme Court of the decision in *People v. Thomas* (S075090) (previously *People v. Thomas* (1998) 67 Cal.App.4th 661).

DIVISION THREE (Continued)

B118721 People
 v.
 Fischer

Filed order vacating submission order of March 26, 1999. Further consideration of this case is deferred pending the final resolution by the Supreme Court of the decision in People v. Thomas (S075090) (previously People v. Thomas (1998) 67 Cal.App.4th 661).

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Epstein, Acting P.J., Hastings, J., Curry, J., and Jim Guzman, Deputy Clerk.

Each of the following:

B126030 D.C.F.S v. Terryhea L.
B118633 Filet Menu v. Cheng
B123491 D.C.F.S. v. William P.
B124552 D.C.F.S. v. Roberta B.
B123011 D.C.F.S. v. Toya D.
B120069 People v. Miramontes

Argument waived, cause submitted.

B121478 Bezair
 v.
 Conbraco Industries

Merits:
Argued by Nikki Fong for appellant and by Lee R. Seltman for respondent.
Cause submitted.

DIVISION FOUR (Continued)

B126555 General Dynamics
 v.
 W.C.A.B.
 Anderson

Merits:

Argued by Raymond J. Bordelon for petitioner and by Michael Weir for respondent. Cause submitted.

B129121 Battista
 v.
 S.C.L.A.
 (Bladel, r.p.i.)

Merits:

Argued by James C. Martin for petitioner and by James A. Shalvoy for real party in interest. Cause submitted.

B116469 Boobar
 v.
 Boobar

Merits:

Argued by William P. Powell Jr. for appellant and by Juile Sullwold Hernandez for respondent. Cause submitted.

Court in recess.

The Court reconvened at 1:30 P.M.

Present: Epstein, Acting P.J., Hastings, J., Curry, J., and Jim Guzman, Deputy Clerk.

B120837 People
 v.
 Martinez

Merits:

Argued by Leonard J. Klaif for appellant and by Susan Kim for respondent. Cause submitted.

DIVISION FOUR (Continued)

B125812 Estrada
v.
Ramirez

Merits:
Argued by Robert Asa Crook for appellant and no appearance by respondent pursuant to Rule 17(b), Cal.Rules of Court. Cause submitted.

B118656 People
v.
Olshan

Merits:
Argued by John L. Dodd for appellant and by Jennevee H. DeGuzman for respondent. Cause submitted.

B119271 Lehmer
v.
City of Los Angeles

Merits:
Argued by Marie McTeague for appellant and by James A. Rainboldt for respondent. Cause submitted.

B122704 Renaldo
v.
Butts

Merits:
Argued by Enrique Renaldo for appellant and no appearance by respondent. Cause submitted.

April 16, 1999-Continued

DIVISION FOUR (Continued)

B115856 People
 v.
 Arabyan

Merits:

Argued by David A. Katz for appellant and by Herbert S. Tetef for respondent. Cause submitted.

Court adjourned.

4-16-99

104421-99 THE HONORABLE CAROLYN B. KUHL, Judge of the Los Angeles Superior Court, Los Angeles County, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division FOUR, as a Justice thereof, on the following dates:

May 1, 1999 to July 31, 1999

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: April 6, 1999

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

DIVISION FIVE

B123064 People (Not for Publication)
v.
Oscar Ruiz

The judgment is modified to impose a parole revocation fine of \$200, suspended, pursuant to section 1202.45. The judgment of conviction is affirmed in all other respects. The clerk of the superior court is directed to prepare an amended abstract of judgment reflecting the parole revocation fine and to deliver the corrected abstract of judgment to the Department of Corrections.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

B119352 Terrill F. Oberman et al. (Not for Publication)
v.
Jeffrey Benice et al.

The judgment in favor of Brobeck is affirmed. The judgment in favor of Benice is reversed. Brobeck is to recover its costs on appeal.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

B107532 Thomas M. Figenshu (Not for Publication)
v.
State of California et al.

The judgments are affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

April 16, 1999-Continued

DIVISION FIVE (Continued)

B122465 Sidney Marshak (Not for Publication)
v.
Emma H. Ballesteros

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

DIVISION SIX

B122744 People
v.
Gonzales

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

DIVISION SEVEN

104346-99 THE HONORABLE MARGARET M. HAY, Judge of the Los Angeles Superior Court, Los Angeles County, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division SEVEN, as a Justice thereof, on the following dates

April 1, 1999 to June 30, 1999

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: March 29, 1999

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council